



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,275	11/21/2003	Clint O'Connor	16356.839 (DC-05739)	3195

27683 7590 04/05/2007
HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

EXAMINER

WEINMAN, SEAN M

ART UNIT PAPER NUMBER

2115

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/719,275

Applicant(s)

O'CONNOR ET AL.

Examiner

Sean Weinman

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/21/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claims 1-24 are presented for examination.

5

Drawings

The drawings are objected to because reference character 625 (Main Memory) in Figure 2 is mentioned in the description as reference character 125. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

10
15
20

Claim Rejections - 35 USC § 112

Art Unit: 2115

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

5 **Claims 1-24** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10 **Claim 1** recites the limitation “an unstable state” in line 8 of the respective claim. It is unclear whether this is intended to be the same as or different from the “unstable state” recited in line 6 of claim 1.

Claim 11 recites the limitation “an unstable state” in line 8 of the respective claim. It is unclear whether this is intended to be the same as or different from the “unstable state” recited in line 6 of claim 11.

15 **Claim 17** recites the limitation “an unstable state” in line 11 of the respective claim. It is unclear whether this is intended to be the same as or different from the “unstable state” recited in line 9 of claim 17.

Claim 21 recites the limitation “an unstable state” in line 11 of the respective claim. It is unclear whether this is intended to be the same as or different from the “unstable state” recited in line 9 of claim 21.

20 Any claim not specifically addressed above is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

Art Unit: 2115

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims * rejected under 35 U.S.C. 102(b) as being anticipated by Park (US Patent No. 6,418,536).**

As per claims 1, 11, 17 and 21, Park teaches the claimed invention comprising:

sensing a condition to which the IHS is subjected in the course of operation to provide sensed information (*Col. 3 lines 19-26 and Col. 7 lines 15-18*);

analyzing the sensed information to determine if the IHS is currently in an unusable state (*Col. 7 lines 19-36*); and

entering a reduced power mode, by the IHS, if it is found that the IHS is currently in an unusable state (*Col. 5 lines 40-54 and Col. 6 lines 8-16*).

As per claim 2, Park teaches the claimed invention comprising:

sensing a first sensed condition to provide sensed information (*Col. 3 lines 19-26 and Col. 7 lines 15-18*).

As per claims 13, 19 and 23, Park teaches the claimed invention comprising:

wherein the plurality of sensed conditions includes motion of the HIS (*Col. 3 lines 19-26 and Col. 7 lines 15-18*).

As per claims 14, 20 and 24, Park teaches the claimed invention comprising:

wherein the plurality of sensed conditions includes orientation of the HIS (*Col. 3 lines 19-26 and Col. 7 lines 15-18*).

Art Unit: 2115

As per claim 15, Park teaches the claimed invention comprising:

wherein change in one sensed condition triggers wakeup of the IHS after the IHS has entered the reduced power mode (*Col. 5 lines 40-54 and Col. 6 lines 8-16 and Col. 7 lines 15-18*).

5

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15 ***Claims*** *** rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US Patent No. 6,418,536) in view of Barrett (US Patent No. 6,782,471).

As per claim 3, Park teaches the claimed invention for all of the reasons stated above.

Park does not teach multiple sensed conditions as well as controlling the power management of the system based on the change of multiple sensed conditions. Specifically, Park teaches a
20 managing the power of the system by detecting a sensed condition to see if the system is currently unusable. Park does not teach detecting multiple sensed conditions as well as managing the power of the system based on the multiple sensed conditions.

Barrett teaches another system that senses multiple sensed conditions and controls the power management based on the sensed conditions of the system. Barrett teaches the claimed
25 inventions comprising:

Art Unit: 2115

sensing a second sensed condition to provide sensed information (*Col. 1 lines 49-55 and Col. 2 lines 4-8*).

In summary, Barrett teaches sensing multiple conditions and then controlling the power management based on the sensed conditions.

5 It would have been obvious to combine the teachings of Park and Barrett because they both teach systems which sense conditions and then manage the power of the system based from the information from the sensed conditions. Barrett teaches the deficiency of Park by teaching detecting multiple sensed conditions as well as managing the power of the system based on the multiple sensed conditions.

10 ***As per claim 4***, Barrett teaches the claimed invention comprising:
including sensing a third sensed condition to provide sensed information (*Col. 1 lines 49-55 and Col. 2 lines 4-8*).

As per claims 5, 12, 18, and 22, Barrett teaches the claimed invention comprising:
wherein the first sensed condition is ambient light around the IHS (*Col. 2 lines 4-8*).

15 ***As per claims 6, 13, 19 and 23***, Barrett teaches the claimed invention comprising:
wherein the plurality of sensed conditions includes motion of the HIS (*Col. 2 lines 4-8*).

As per claim 7, Park teaches the claimed invention comprising:
wherein the third sensed condition is orientation of the IHS (*Col. 3 lines 19-26 and Col. 7 lines 15-18*).

20 ***As per claim 8***, Park teaches the claimed invention comprising:
wherein the IHS includes a display, the orientation of which is sensed in the sensing step (*Col. 3 lines 19-26 and Col. 7 lines 15-18*).

Art Unit: 2115

As per claim 9, Park teaches the claimed invention comprising:

wherein change in one sensed condition triggers wakeup of the IHS after the IHS has entered the reduced power mode (*Col. 5 lines 40-54 and Col. 6 lines 8-16 and Col. 7 lines 15-18*).

As per claim 10 and 16, Park teaches the claimed invention comprising:

5 wherein change in multiple sensed conditions triggers wakeup of the IHS after the IHS has entered the reduced power mode (*Col. 1 lines 49-55 and Col. 2 lines 4-8*).


Conclusion

Any inquiry concerning this communication or earlier communications from the
10 examiner should be directed to Sean Weinman whose phone number is (571) 272-2744. The examiner can normally be reached on Monday-Friday from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (571) 272-3667. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

15 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR
20 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sean Weinman
Examiner
Art Unit 2115


THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100